EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 3

DOCKET NO.: 2004-2082-MLM-E TCEQ ID: RN100756097 CASE NO.: 22886 RESPONDENT NAME: PAT, INC. DBA ACTION EXCAVATING

ORDER TYPE:		
X 1660 AGREED ORDER	FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING
FINDINGS DEFAULT ORDER	_SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
AMENDED ORDER	EMERGENCY ORDER	
CASE TYPE:		
AIR	X MULTI-MEDIA (check all that apply)	X INDUSTRIAL AND HAZARDOUS WASTE
PUBLIC WATER SUPPLY	_X_PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION
WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION
SITE WHERE VIOLATION(S) OCCURR	ED: 6824 Oak Crest Drive West, Fort Worth,	Tarrant County
TYPE OF OPERATION: Excavating and h	eavy equipment service facility	
SMALL BUSINESS: X Yes	No	
OTHER SIGNIFICANT MATTERS: Ther regarding this facility location.	e are no complaints. There is no record of add	itional pending enforcement actions
INTERESTED PARTIES: No one other tha	n the ED and the Respondent has expressed an	interest in this matter.
COMMENTS RECEIVED: The Texas Reg	ister comment period expired on October 9, 20	07. No comments were received.
CONTACTS AND MAILING LIST:		•
	ra, Litigation Division, MC 175, (210) 403-401 k, Litigation Division, MC 175, (512) 239-187	
	Mr. Sandy VanCleave, Enforcement Division,	
TCEQ Regional Contact: Ms. Julia	nne King, DFW Regional Office, MC R-4, (81	7) 588-5800
	nan, Director, Pat, Inc. dba Action Excavating,	
Respondent's Attorney Mr March	all I Day Day & Day P.C. P.O. Boy 470765	Fort Worth Teves 76147

RESPONDENT NAME: PAT, INC. DBA ACTION EXCAVATING DOCKET NO.: 2004-2082-MLM-E

VIOTATION SUMMADY CHADT.

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation:	Total Assessed: \$9,660	Corrective Actions Taken
Complaint _X Routine	Total Deferred: \$0	The Respondent has implemented the following corrective measures:
Enforcement Follow-up Records Review	SEP Conditional Offset: \$0	1) Beginning on December 28, 2004, a
Date of Complaints Relating to this Case: None	Expedited Settlement Financial Inability to Pay	third-party contractor hired by Respondent began operations which resulted in waste oil
Dates of Investigation Relating to this Case: November 10, 2004	Total Paid/Due to General Revenue: \$280/9,380	being removed from the underground storage tank (UST), the UST being removed from the ground, soil samples being taken, all required
Date of NOE Relating to this Case: November 10, 2004	The Respondent has paid \$280 of the administrative penalty. The remaining	reports being compiled, and contaminated soil being properly disposed of.
Background Facts: The EDPRP was filed on March 22, 2005. The Respondent filed an answer to the EDPRP on April 8, 2005. The	amount of \$9,380 of the administrative penalty shall be payable in 35 monthly payments of \$268 each.	2) On March 15, 2005, a third-party contractor hired by Respondent removed two 55-gallon drums from the site.
Respondent signed an Agreed Order on August 1, 2006.	Site Compliance History Classification High X Average Poor	So ganon drama from the sale.
PST/IHW	Person Compliance History Classification High X Average Poor	
1. Failed to provide corrosion protection to the underground storage tank [30 TEX.]	Major Source: YesX_ No	
ADMIN. CODE § 334.49(a)(4) and Tex. WATER CODE § 26.3475(d)].	Applicable Penalty Policy: September 2002	
Failed to demonstrate acceptable financial assurance for taking corrective action and for		
compensating third parties for bodily injury and property damage caused by accidental		
releases arising from the operation of petroleum underground storage tanks [30]		
TEX. ADMIN. CODE § 37.815(a) and (b)].	•	
3. Failed to provide a method of release detection which is capable of detecting a release from any portion of the UST system		·
which contains regulated substances including the tanks, piping and other		
underground ancillary equipment [30 TEX. ADMIN. CODE § 334.50(a)(1)(A) and TEX. WATER CODE § 26.3475(c)(1)].	· · · · · · · · · · · · · · · · · · ·	
		I
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RESPONDENT NAME: PAT, INC. DBA ACTION EXCAVATING

DOCKET NO.: 2004-2082-MLM-E

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
. Failed to register with the Commission, n authorized Commission forms, a UST in xistence on or after September 1, 1987 [30 PEX. ADMIN. CODE § 334.7(a)(1) and TEX. VATER CODE § 26.346(a)].		
Failed to prevent an unauthorized ischarge of used oil and other wastes to urface soils and storm water drainage at the acility [30 Tex. ADMIN. CODE § 335.4 and Ex. WATER CODE § 26.121(a)(2)].		
. Failed to conduct a hazardous waste etermination on the contents of an nlabeled 55-gallon drum that was observed in the west side of the Facility [30 TEX. DMIN. CODE § 335.62 and CFR § 262.11].		

		ENEODOEWO	\D-4 L	- IDOMO Det les		
Page 1		alty Calculation	<i>'</i>		2004-2082-MLM-E.wb3	
Policy Revision 2		illy Calculation	1 4401	KSHEEL (F.C.	PCW Revision Decemb	per 10, 2004
TCEQ						
	06-Dec-2004	10 Dec 000	A Duin	it . D O. Fob O	POOE TRADUS	
PCW	18-May-2006 So	creening 16-Dec-200	4 Prio	rity Due 04-Feb-2	1005 EPA Due	
RESPONDENT/FACIL	ITY INFORMATION					
Respondent	Pat, Inc. dba Action	Excavating				
Reg. Ent. Ref. No.						
Additional ID No(s).			<	Maior/Minor Co.	was Minor Course	<u> </u>
Facility/Site Region	4-Dallas/Fort Worth			wajor/wilnor So	urce Minor Source	
CASE INFORMATION	· · · · · · · · · · · · · · · · · · ·				·	
Enf./Case ID No.				No. of Violati		
	2004-2082-MLM-E				Type 1660 without deferr	al <
Case Priority		Tonk	< <		ator Sandy VanCleave	5 <
	Petroleum Storage Industrial Hazardous			EUST	eam Enforcement Team	<u>5</u>
Admin. Penalty \$ Li		\$0 Maximui	n \$1	0,000		
	,					
		Penalty Calcu	ılatior	n Section		
		•				
TOTAL BASE PEN	NALTY (Sum of v	/iolation base pen	alties)		Subtotal 1	\$10,500
						•
ADJUSTMENTS (-	,					
		Total Base Penalty (Subtota			Subtatala 2 2 8 7	\$210
Compliance F		received one NOV for	% Enhand		Subtotals 2, 3, & 7	\$210
Notes		ons covered in this en			10	
Culpability	No <	00	% Enhand	ement	Subtotal 4	\$0
			(l	- 1- 1112		
Notes	ine Respo	ondent does not meet	tne cuipa	ability criteria.		
·						
Good Faith Et	ffort to Comply		% Reduct	on	Subtotal 5	-\$1,050
Extraordinary	Before NOV NOV to	o EDPRP/Settlement Offer			•	
Ordinary		X				
N/A	(mark	with a small x)				
ĺ	The Respondent su	ubmitted documentatio	n on An	il 4 2005 showing	ı all	
Notes		re corrected prior to the			, un	
l			-			7
Economic Be	nefit	09	% Enhand	ement*	Subtotal 6	\$0
-	Total EB Amounts	\$1,038	*Capp	ed at the Total EB \$ An	nount	
Approx. C	ost of Compliance	\$22,000				
CUM OF OURTOT	A1 0 4 7				F: 10.1(1)	
SUM OF SUBTOT	ALS 1-7				Final Subtotal	\$9,660
OTHER FACTORS	AS ILISTICE M	AV DECITIDE			Adjustment	•0
Reduces or enhances the Fir			er only: e r	-30 for -30% l	Adjustment	\$0
, [a. Cablolar by the mulcate	a porocinago. (Enter numb	o. orny, c.g	. 00 101 -0070.)		
` Notes						
ι	*************************************			Fina	al Penalty Amount	\$9,660

Final Assessed Penalty

Adjustment

Reduction

\$9,660

\$9,660

STATUTORY LIMIT ADJUSTMENT

Notes

PAYABLE PENALTY

Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

There is no deferral because this is not an expedited case.

DEFERRAL

Screening Date 16-Dec-2004

Docket No. 2004-2082-MLM-E

PCW

2%

Respondent Pat, Inc. dba Action Excavating

Case ID No. 22886

Policy Revision 2 (September 2002)
PCW Revision December 10, 2004

Reg. Ent. Reference No. RN100756097

Additional ID No(s). N/A

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Sandy VanCleave

Site Address 68

6824 Oak Crest Drive West, Fort Worth, Tarrant County

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of	nter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	1	2%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	ers 0	0%
Judgments and	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	ng 0	0%
Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a der of liability, of this state or the federal government	ial 0	0%
Convictions	Any criminal convictions of this state or the federal government (numbe of counts)	r 0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were	0	0%
Audits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0 .	0%

•	Please E	nter Yes or No	
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
Other	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	∖0%

>> Repeat Violator (Subtotal 3)
No
Adjustment Percentage (Subtotal 7)
Average Performer
Adjustment Percentage (Subtotal 7)
No
Subtotal 7)
No
No
The Respondent received one NoV for violation that is not related to violations covered in this enforcement action.

Total Adjustment Percentage (Subtotals 2, 3, & 7)

C:\WINNT\Temp\PCW2,PatInc,2004-2082-MLM-E.wb3 Page 3 of 14 10/12/06 Screening Date 16-Dec-2004 Docket No. 2004-2082-MLM-E Respondent Pat, Inc. dba Action Excavating Policy Revision 2 (September 2002) Case ID No. 22886 PCW Revision December 10, 2004 Reg. Ent. Reference No. RN100756097 Additional ID No(s). N/A Media [Statute] Petroleum Storage Tank Enf. Coordinator Sandy VanCleave Violation Number 30 Tex. Admin. Code § 334.49(a)(4) Primary Rule Cite(s) Tex. Water Code § 26.3475(d) Secondary Rule Cite(s) Failed to provide corrosion protection to the underground storage tank Violation Description (UST). \$10,000 **Base Penalty** Environmental, Property and Human Health Matrix Harm Release Moderate OR Actual Percent 25% Potential Programmatic Matrix Falsification Moderate Minor Percent Human health or the environment could be exposed to a significant Matrix Notes amount of pollutants which would exceed levels that are protective of human health or environmental receptors. Adjustment **Base Penalty Subtotal** \$2,500 Violation Events Number of Violation Events daily monthly \$2,500 **Violation Base Penalty** quarterly mark only one use a small x semiannual annual

> One quarterly event is recommended for the time frame from the date of the investigation, November 10, 2004, to the screening date, December 16, 2004 to make the penalty commensurate with the situation.

single event

Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount Violation Final Penalty Total \$2,300 This violation Final Assessed Penalty (adjusted for limits)

	Ec	conomic E	Benefit Wo	rkshe	et	line in the state of the	
Case ID No.			ing		i Salahan Birgaria (1904 menengan atau 1914 - 1917 mengalangkan derimbah dari sebahan I	i filot a general a in 10 anniente autorio 20 anni 1 a	teri di akada tahun di kecata
Reg. Ent. Reference No. Additional ID No(s).					•		
Media [Statute]		rage Tank			F	Percent	Years of
Violation No.		rage raint				Interest	Depreciation
			and the second			5.0	15
	Item	Date	Final	Yrs	Interest	Onetime	EB
ltem	Cost	Required	Date	nalas a	Saved	Costs	Amount
Description	No commas or \$						
Delayed Costs			The state of the s		and the state of t	i institute in special and a second a second and a second a second and	MANUSALISMUS SIGNAS GAMALA
Equipment				0.0	\$0	\$0	\$(
Buildings				0.0	\$0	\$0	\$(
Other (as needed)				0.0	\$0	\$0	\$(
Engineering/construction				0.0	\$0	\$0	\$(
Land				0.0	\$0	n/a	\$(
Record Keeping System				0.0	\$0	n/a	\$(
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal	\$5,000	10-Nov-2004	28-Dec-2004	0.1	\$33	n/a	. \$33
Permit Costs				0.0	\$0	n/a	\$(
Other (as needed)			1	0.0	\$0	n/a	\$(
Notes for DELAYED costs			e corrosion prote he investigation removed f	date ar	nd the final dat		
Avoided Costs	ANN	UALIZE [1] avoid	ed costs before en	tering ite	m (except for one	e-time avoided co	osts)
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$(
Inspection/Reporting/Sampling	,			0.0	\$0	\$0	\$(
Supplies/equipment				0.0	\$0	\$0	\$(
Financial Assurance [2]				0.0	\$0	\$0	\$(
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$(
Other (as needed)				0.0	\$0	\$0	\$0
Notes for AVOIDED costs					:		
	ф <u>г</u> 650				F	TATAL	40.
Approx. Cost of Compliance	\$5,000				E.	TOTAL	\$33

Page 5 of 14 10/12/06 C:\WINNT\Temp\PCW2,PatInc,2004-2082-MLM-E.wb3 Screening Date 16-Dec-2004 Docket No. 2004-2082-MLM-E Respondent Pat, Inc. dba Action Excavating Policy Revision 2 (September 2002) Case ID No. 22886 PCW Revision December 10, 2004 Reg. Ent. Reference No. RN100756097 Additional ID No(s). N/A Media [Statute] Petroleum Storage Tank Enf. Coordinator Sandy VanCleave **Violation Number** 30 Tex. Admin. Code § 37.815(a) and (b) Primary Rule Cite(s) Secondary Rule Cite(s) Failure to demonstrate acceptable financial assurance for taking corrective action and for compensating third parties for bodily injury and Violation Description property damage caused by accidental releases arising from the operation of the petroleum underground storage tank (UST). **Base Penalty** \$10,000 Environmental, Property and Human Health Matrix Harm Release Major Moderate Minor OR Actual Percent Potential Programmatic Matrix Major Percent 10% Matrix Notes 100% of the rule requirement was not met. Adjustment -\$9,000 **Base Penalty Subtotal** \$1,000 **Violation Events** Number of Violation Events daily monthly **Violation Base Penalty** \$1,000 mark only one quarterly use a small x semiannual annual One single event is recommended based upon the investigation conducted on November 10, 2004.

Economic Benefit (EB) for this violation	Statutory Limit Test	
Estimated EB Amount \$683	Violation Final Penalty Total	\$920

This violation Final Assessed Penalty (adjusted for limits) \$

Respondent Case ID No. Reg. Ent. Reference No. Additional ID No(s).	Pat, Inc. dba A 22886 RN100756097	Action Excavati	Senefit Wo	rksne	· ·	·	
Media [Statute]		rage Tank				Percent	Years of
Violation No.	2		Sales Sur Service de Colonia.			Interest 5.0	Depreciation
	ltem	Date	Final	Yrs	Interest	Onetime	15 EB
ltem	Cost	Required	Date		Saved	Costs	Amount
Description	No commas or \$		200		2010		
The Strain of Assimilation and Assimilation of the Strain of Strai		of contract the state of the st	and the contract of the contra	entre en	Caral Ballan, alla mala pakarahinga		Paritina in a second in the
Delayed Costs	off a second second		I	0.0	\$0	\$0	\$(
Equipment			<u> </u>	0.0	\$0 \$0	\$0 \$0	\$(
Buildings Other (as needed)				0.0	\$0 \$0	\$0 \$0	\$(
Engineering/construction				0.0	\$0 \$0	\$0 \$0	\$(
Land				0.0	\$0 \$0	φυ ₁ n/a	. \$(
Record Keeping System				0.0	\$0 \$0	n/a	\$(
Training/Sampling				0.0	\$0 i	n/a	\$(
Remediation/Disposal				0.0	\$0	n/a	\$(
Permit Costs				0.0	\$0	n/a	\$(
Other (as needed)				0.0	\$0	n/a	\$(
Notes for DELAYED costs			d		-		
Avoided Costs	ANNI	JALIZE [1] avoide	ed costs before en	tering ite	m (except for one	e-time avoided co	sts)
Disposal				0.0	\$0	. \$0	\$(
Personnel	-			0.0	\$0	\$0	\$(
nspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment		÷		0.0	\$0	\$0	\$(
Financial Assurance [2]	\$650	10-Nov-2003	10-Nov-2004	1.0	\$33	\$650	\$683
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$(
Other (as needed)				0.0	\$0	\$0	\$0
Notes for AVOIDED costs	Estimated	cost to provide	e financial assu preceding the			UST for the 1:	2 months
Approx. Cost of Compliance	\$650				, pr	TOTAL	\$683

C:\WINNT\Temp\PCW2,PatInc,2004-2082-MLM-E.wb3 Page 7 of 14 10/12/06 Screening Date 16-Dec-2004 Docket No. 2004-2082-MLM-E Respondent Pat. Inc. dba Action Excavating Policy Revision 2 (September 2002) Case ID No. 22886 PCW Revision December 10, 2004 Reg. Ent. Reference No. RN100756097 Additional ID No(s). N/A Media [Statute] Petroleum Storage Tank Enf. Coordinator Sandy VanCleave Violation Number 30 Tex. Admin. Code § 334.50(a)(1)(A) Primary Rule Cite(s) Tex. Water Code § 26.3475(c)(1) Secondary Rule Cite(s) Failed to provide a method of release detection which is capable of detecting a release from any portion of the UST system which contains Violation Description regulated substances including the tanks, piping and other underground ancillary equipment. **Base Penalty** \$10,000 Environmental, Property and Human Health Matrix Harm Release Moderate Minor OR Actual Percent Potential Programmatic Matrix Falsification Major Moderate Minor Percent Human health or the environment could be exposed to a significant Matrix Notes amount of pollutants which would exceed levels that are protective of human health or environmental receptors. Adjustment **Base Penalty Subtotal** \$2,500 Violation Events Number of Violation Events daily monthly **Violation Base Penalty** quarterly \$2,500 mark only one use a small x semiannual annual single event One quarterly event is recommended for the time frame from the date of the investigation, November 10, 2004, to the screening date, December 16, 2004 to make the penalty commensurate with the situation. Economic Benefit (EB) for this violation Statutory Limit Test **Estimated EB Amount** \$2 **Violation Final Penalty Total** \$2,300

This violation Final Assessed Penalty (adjusted for limits)

	Ec	onomic E	Benefit Wo	rkshe	et		
Respondent Case ID No. Reg. Ent. Reference No. Additional ID No(s).	RN100756097		ing		ing the first transition of an interest to the first the	and the second	The Anti-Andread State Council Andread Council Council Council Council Council Council Council Council Council
Media [Statute] Violation No.	Petroleum Sto	rage Tank				Percent Interest	Years of Depreciation
					esan esa 6L	5.0	15
	Item	Date	Final	Yrs	Interest	Onetime	EB
ltem	Cost	Required	Date		Saved	Costs	Amount
Description	No commas or \$		ikaz kasialiwa				
Delayed Costs							
Equipment				0.0	\$0	\$0	\$(
Buildings				0.0	\$0	\$0	\$(
Other (as needed)				0.0	\$0	\$0	\$(
Engineering/construction				0.0	\$0	\$0	\$(
Land		: .		0.0	\$0	n/a	\$(
Record Keeping System				0.0	\$0	n/a:	\$(
Training/Sampling				0.0	\$0	n/a	\$(
Remediation/Disposal				0.0	\$0	n/a	\$(
Permit Costs				0.0	\$0	n/a	\$(
Other (as needed)	\$250	10-Nov-2004	28-Dec-2004	0.1	\$2	n/a	\$2
Notes for DELAYED costs			method of rele nd the final date				
Avoided Costs	ANNI	JALIZE [1] avoide	ed costs before en	tering ite	m (except for one	e-time avoided co	osts)
Disposal				0.0	\$0	\$0	\$(
Personnel				0.0	\$0	\$0	\$(
Inspection/Reporting/Sampling				0.0	\$0	. \$0	\$(
Supplies/equipment				0.0	\$0	\$0	\$(
Financial Assurance [2]			•	0.0	\$0	\$0	\$(
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$(
Other (as needed)				0.0	\$0	\$0	\$(
Notes for AVOIDED costs							
Approx. Cost of Compliance	\$250				\{\begin{align*} \text{*} \\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \\	TOTAL	\$2

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	<u> </u>	201 201 201 201 201 201 201 201 201				CANAGE SIN BEREZIO
Screening Date		S. M. Martine, American Applications	ket No.	2004-2082-MLM-E		PCW
Respondent I	Pat, Inc. dba Actio	on Excavating			Policy Rev	ision 2 (September 2002)
Case ID No. :					PCW Rev	rision December 10, 2004
Reg. Ent. Reference No. I						
Additional ID No(s).	N/A					
Media [Statute] i						
Enf. Coordinator	Sandy VanCleave	:				
Violation Number	4					1
Primary Rule Cite(s)	<u></u>	30 Tex. Admi				
Secondary Rule Cite(s)	* · · · · · · · · · · · · · · · · · · ·	Tex. Wate	r Code § 2	6.346(a)		•
Violation Description				authorized Commis September 1, 1987.	sion forms,	
			•	В	ase Penalty	\$10,000
>> Environmental, Pro	perty and Hun	nan Health®N	latrix 🗀	ere en		
The transfer of the second	Harm		managara ya esta 1962ki		Zándal	
Release	Major Modera	te Minor				
OR Actual				Damaant		
Potential				Percent		•
>> Programmatic Matri	Y					
Falsification	Major Modera	te Minor				·
	x		•	Percent 109	6	
					_	
Matrix Notes	100% of the	rule requiremen	ıt was not ı	met.		
	· · · · · · · · · · · · · · · · · · ·	· · · · · · · · · · · · · · · · · · ·				
	TO THE PERSON OF			Adjustmer	t -\$9,000	•
	stanta sekulin pinketa.	to Violence continued		Aujustinei	<u>ιψο,υου</u>	
	•	:		Base Penal	ty Subtotal [\$1,000
Violation Events	a sue subb est	100			resultan	
					A CONTRACTOR OF THE PROPERTY OF THE PARTY OF	
Number of Violatio	n Events 1					
·	daily					,
	monthly	=				
mark only one	quarterly			Violation Ba	ase Penalty[\$1,000
use a small x	semiannual					
	annual	_				•
' I.S	single event X					
One si	ingle event is reco	mmended base	ed upon th	e investigation	7	
	conducte	d on November	10, 2004.			
<u> </u>					<u> </u>	
Economic Benefit (E	B) for this vic	olation		Statutory Limit	Test	
Estimated EB	Amount	\$1		Violation Final Pe	enalty Total	\$920
	This	violation Final	Assessed	l Penalty (adjusted	l for limits)	\$920

Nedia Statute Petroleum Storage Tank	Case ID No. Reg. Ent. Reference No. Additional ID No(s).	RN100756097		ting	•			·
Item Date Final Yrs Interest Onetime EB	Media [Statute]	Petroleum Sto	rage Tank				TO CONTINUE AND A CAREFUL AND SO	1500 (2004) 100 110 110 120 120 120 120 120 120 120
Item Cost Required Date Saved Costs Amount								15
Description No commas or \$					Yrs			ก็ได้ระบบได้ และเข้าเป็นเป็นสี
Delayed Costs Equipment	사람들이 많아 있다면 사람들이 가는 사람들이 가지 않는데 없다.		Required	Date		Saved	Costs	Amount
the UST was scheduled for removal.	Equipment Buildings Other (as needed) Engineering/construction Land Record Keeping System Training/Sampling Remediation/Disposal Permit Costs Other (as needed)	\$100 Estimated cos	t to complete	and submit the date and the fin	0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.1 UST re al date	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$1 gistration and is the date tha	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$1 \$1
	Avoided Costs Disposal		JALIZE [1] avoid	ed costs before en	0.0	\$0	\$0	\$0
	Avoided Costs Disposal		JALIZE [1] avoid	led costs before en	0.0	\$0 \$0	\$0 \$0	\$0 \$0
spection/Reporting/Sampling 0.0 \$0 \$0 \$0	Avoided Costs Disposal Personnel		JALIZE [1] avoid	ed costs before en	0.0 0.0 0.0	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0
Supplies/equipment 0.0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	Avoided Costs Disposal Personnel spection/Reporting/Sampling		JALIZE [1] avoid	ed costs before en	0.0 0.0 0.0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0
Supplies/equipment	Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment		JALIZE [1] avoid	ed costs before en	0.0 0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Spection/Reporting/Sampling	Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]		JALIZE [1] avoid	ed costs before en	0.0 0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Supplies/equipment 0.0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]		JALIZE [1] avoid	ed costs before en	0.0 0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0

	Screeni	ing Date	16-Dec-200	4	. Do	cket No. 2	2004-2082-MLN	1-E		PCW
			Pat, Inc. db	a Action	Excavating			Policy	/ Revision 2 (S	eptember 2002)
	will at the said that it is fine the first of	e ID No.						PCV	V Revision Dec	ember 10, 2004
	Ent. Refere			97						
1 2 3 3 6	Additional II		N/A Petroleum S	`	Fanle			*		
		38 a - 1 a - 1 a - 1 a - 1 a - 1	Sandy Van	_	lank					
1000 1000		n Number		Jieave					•	
	Primary Ru				30 Tex. A	dmin. Code	§ 335.4			
	Secondary Ru									
	Violation De	escription	to surface s the Novem surface so side of the during a fo investiga	soils and aber 10, 2 oil stainir e Facility ollow-up ator obse	storm wate 2004 investing around to and in the investigation	er drainage a gation, it wa wo pipes in the storm water n conducted authorized di	e of used oil and the site. Spects documented the embankment drainage area, on November ischarge from the significant of the si	cifically, duri that there want ton the wes Additionally 17, 2004, the he Facility's	ng as: st /, e	
								Base Pen	alty	\$10,000
	***************************************		CONTRACOR PROGRAMMENT	Toda na postypnecimie design	Allocations and analogous mark			encontainoi		\$10,000
>> :	Environme	ntal, Pro	perty and		n Health	Matrix		Alone I		
		Release	Major	Harm Moderate	Minor					
OR	A Company of the Comp	Actual	Wajor	Moderate	X					
1 425		Potential					Percent	10%		
>>	Programm	atic Matr	iv							
	r i ogranimi	Falsification		Moderate	Minor	metal transfer				
700 (C)							Percent	, , , , , , , , , , , , , , , , , , ,		
						-				
	Matrix Notes	The disc contamir	nants which	will not e	he exposure xceed levels nd the envir	s that are pro	nificant amount otective of hum	of an	·	
		N-18 No.					Adjústn	n ent -\$ 9,0	000	
							Base Pe	nalty Subto	otal	\$1,000
	Violation E	vents								
	Numbo	r of \/ioloti	on Evente E	4	a .		a		•	
	Numbe	er of Violation	OU LAGINO [<u> </u>	1 ,	•		•		
]	daily				•			
		ark only one use a small x	monthly quarterly semiannual annual	X			Violation	n Base Pena	alty	\$1,000
			single event]					
	ſ				v.					
							e from the date g date, Decemb			
	Economic	Benefit (EB) for th	is viola	ition	S	itatutory Lin	nit Test		· · · · · · · · · · · · · · · · · · · ·
	Est	timated EE	3 Amount [\$300]	,	Violation Fina	l Penalty To	otal	\$920
				This vic	olation Fina	hassessA l	Penalty (adjus	sted for limi	its)	\$920
						,	. onany (aujus	2.00 IOI IIIII		ΨΘΖΟ

Page 12	of 14 10/12/	06 C:\WINN	T\Temp\PCW2	,Patinc	,2004-2082-M	LM-E.wb3	
	F	onomic P	enefit Wo	rkshe	et .		
Respondent Case ID No. Reg. Ent. Reference No. Additional ID No(s).	Pat, Inc. dba A 22886 RN100756097	ction Excavati	production and the control of the co	t .			
	Petroleum Storage Tank					Percent Interest	Years of Depreciation
		- 19 as 127, 427				5.0	15
Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs			da (1907)				
Equipment				0.0	\$0	. \$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction			-	0.0	\$0	\$0	\$0
Land				0.0	\$0	⊬aan/aa aa	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal	\$15,000	10-Nov-2004	05-Apr-2005	0.4	\$300	n/a	\$300
Permit Costs		·		0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs	remediate, and	properly disp	affected proper ose of contamir is the date a re	nated so	oil. Date requi	red is the initial	investigation
Avoided Costs	ANNI	JALIZE [1] avoide	d costs before en	tering ite	m (except for on	e-time avoided co	sts)
Disposal				0.0	\$0	\$0	\$0
Personnel	2			0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment	•			0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	. \$0
Other (as needed)				0.0	\$0	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance	\$15,000				1.2	TOTAL	\$300

10/12/06 C:\WINNT\Temp\PCW2,PatInc,2004-2082-MLM-E.wb3 Screening Date 16-Dec-2004 Docket No. 2004-2082-MLM-E Respondent Pat, Inc. dba Action Excavating Policy Revision 2 (September 2002) Case ID No. 22886 PCW Revision December 10, 2004 Reg. Ent. Reference No. RN100756097 Additional ID No(s). N/A Media [Statute] Petroleum Storage Tank Enf. Coordinator Sandy VanCleave Violation Number Primary Rule Cite(s) 30 Tex. Admin. Code § 335.62 40 Code of Federal Regulations § 262.11 Secondary Rule Cite(s) Failed to conduct a hazardous waste determination on the contents of an Violation Description unlabeled 55 gallon drum that was observed on the west side of the Facility. **Base Penalty** \$10,000 Environmental, Property and Human Health Matrix Harm Release Moderate Minor OR Actual Potential Percent 25% Programmatic Matrix Falsification Moderate Percent Failure to perform a hazardous waste determination can result in the Matrix Notes exposure of a significant amount of contaminants which may exceed levels that are protective of human health and the environment. Adjustment **Base Penalty Subtotal** \$2,500 Violation Events Number of Violation Events daily monthly Violation Base Penalty mark only one quarterly use a small x semiannual annual sinale event One single event is recommended based on the one drum documented at

the site during the November 10, 2004 investigation.

Economic Benefit (EB) for this violation Statutory Limit Test **Estimated EB Amount Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

\$2,300

Page 14	of 14 10/12/	06 C:\WINN	I/Temp\PCW2	,Patinc	,2004-2082-M	LIVI-E.WD3	
	Ec	conomic B	enefit Wo	rkshe	et	Girling and San Telephone	-00 (40 g)
Respondent	Respondent Pat, Inc. dba Action Excavating						
Case ID No.							
Reg. Ent. Reference No.	RN100756097						
Additional ID No(s).							
Media [Statute]		rage Tank				Percent	Years of
Violation No.	6	elia i hina kama an'i para ao		erreser s eresere		Interest	Depreciation
						5.0	15
	Item	Date	Final	Yrs	Interest	Onetime	EB
Item	Cost	Required	Date		Saved	Costs	Amount
Description	No commas or \$	stikie sikelib		i de la composición della comp			
Delayed Costs							
Equipment			MERCHANICAL SUPPRESSION IN	0.0	\$0	\$01	\$0
Buildings	I			0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	∴ n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal	\$1,000	10-Nov-2004	05-Apr-2005	0.4	\$20	n/a	\$20
Permit Costs		·		0.0	\$0	n/a	\$0
Other (as needed)			•	0.0	\$0]	n/a.	\$0
	Estimated co	st to perform a	complete haz	ardous	waste determi	nation to includ	le laboratory
Notes for DELAYED costs	Estimated cost to perform a complete hazardous waste determination to include laboratory analysis. Date required is the date of investigation. Final date is the date a release						
	determination report was submitted.						
e de Maria de Calebra e de das entre productions entre productions de la company de la company de la company de	and principle of the second	ann an a' a' a' seiseann an a'		ikin sincili masik		a makanan ini madana sila san.	
Avoided Costs	ANN	JALIZE [1] avoide	d costs before en	~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~			
Disposal		-		0.0	\$0	\$0	<u>\$0</u>
Personnel				0.0	\$0 \$0	\$0 \$0	\$0 \$0
Inspection/Reporting/Sampling				0.0	\$0 \$0	\$0 \$0	\$0 \$0
Supplies/equipment				0.0	\$0 \$0	\$0 \$0	\$0 \$0
Financial Assurance [2]				0.0	\$0 \$0	\$0 \$0	\$0 \$0
ONE-TIME avoided costs [3]				0.0	· \$0	. \$0	\$0 \$0
Other (as needed)				0.01	, 40)	φΟΙ	φυ
Notes for AVOIDED costs							
	L		······	***************************************			
Amminu Cook of Consultance	\$1,000					TOTAL	\$20
Approx. Cost of Compliance	\$1,000				Į:	- IVIAL	\$20

Compliance History

Customer/Respondent/Owner-Operator:		CN600610604	CN600610604 Pat, Inc. dba Action Excavating		n: AVERAGE	Rating: 2.000	
Regulated Entity:		RN100756097	RN100756097 ACTION EXCAVATING .		Classification: AVERAGE		
ID Number(s):		AIR NEW SOURCE	PERMITS	ACCOUNT NUMBER		TA4136L	
Location:		6824 OAK CREST	DR W, FORT WORTH, TX, 76	140 Rating Date	9/1/04 Repeat Vi	olator: NO	
TCEQ R	egion:	REGION 04 - DFW	METROPLEX				
Date Cor	npliance History Prepared:	January 18, 2005	,		•		
Agency D	Decision Requiring Compliance	History: Enforcement			,		
Complian	nce Period:	January 18, 2000 to	January 18, 2005				
TCEQ St	aff Member to Contact for Addit	itional Information Regarding this C	ompliance History				
Name:	Sandy VanCleave	Phor	ne: (512) 239-0667				
	,	Site Co	ompliance History Compo	nents			
1. Has th	e site been in existence and/or	operation for the full five year com		Yes			
2. Has the	ere been a (known) change in o	ownership of the site during the cor	mpliance period?	No	/~		
3. If Yes,	who is the current owner?			N/A			
4. if Yes,	who was/were the prior owner	r(s)?		N/A			
5. When	did the change(s) in ownership	occur?		N/A		•	
Compor	ents (Multimedia) for the S	Site :					
Α.		ourt judgements, and consent decr	ees of the state of Texas and t	he federal government.			
	N/A	•					
			•				
B.	Any criminal convictions of the	ne state of Texas and the federal go	overnment.				
	N/A	,	•				
C.	Chronic excessive emissions	s events.					
	N/A						
D.	The approval dates of investi	igations. (CCEDS Inv. Track. No.)					
	1 11/23/2004 (340	979)					
	2 03/11/2002 (111	131)	•				
	3 07/26/2001 (111					,	
	·	571)					
	5 12/23/2004 (345	7145)					
E.	Written notices of violations (NOV). (CCEDS Inv. Track. No.)			•		
	Date: 10/08/2001 (1	11130)	Classification:	Madagata			
		AC Chapter 116, SubChapter B 11 ption: PBR 106.452		viouerate			
F.	Environmental audits.						
	N/A						
_	Descrip						
G.	Type of environmental manag	gement systems (EMSs).					
	N/A		1				
H.	Voluntary on-site compliance	assessment dates.	٠.				
	N/A						
1.	Participation in a voluntary po	ollution reduction program.					
	N/A				•		

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING PAT, INC. DBA	§	TEXAS COMMISSION ON
ACTION EXCAVATING;	§	
RN100756097	§ .	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2004-2082-MLM-E

I. JURISDICTION AND STIPULATIONS

At its	_ agenda, the Texas Commis	ssion on Environmental Quality
("Commission" or "TCEQ") consider	red this agreement of the par	rties, resolving an enforcement
action regarding Pat, Inc. dba Action	Excavating ("Pat, Inc.") unde	er the authority of TEX. WATER
CODE chs. 7 and 26, and TEX. HEALT	TH & SAFETY CODE ch. 361.	The Executive Director of the
TCEQ, represented by the Litigation 1	Division, and Pat, Inc. represe	ented by Marshall J. Day of the
law firm of Day & Day, P.C., appear	before the Commission and to	ogether stipulate that:

- 1. Pat, Inc. owns and operates an excavating and heavy equipment service facility located at 6824 Oak Crest Drive West, Fort Worth, Tarrant County, Texas (the "Facility").
- 2. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 361, TEX. WATER CODE ch. 26, and TCEQ rules.
- 3. The Commission and Pat, Inc. agree that the Commission has jurisdiction to enter this Agreed Order, and that Pat, Inc. is subject to the Commission's jurisdiction.
- 4. Pat, Inc. received notice of the violations alleged in Section II ("Allegations") on or about December 6, 2004.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Pat, Inc. of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

- 6. An administrative penalty in the amount of nine thousand six hundred sixty dollars (\$9,660.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Pat, Inc. has paid two hundred eighty dollars (\$280.00) of the administrative penalty. The remaining amount of nine thousand three hundred eighty dollars (\$9,380.00) of the administrative penalty shall be payable in thirty-five monthly payments of two hundred sixty-eight dollars (\$268.00) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If Pat, Inc. fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, including the payment schedule, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of Pat, Inc. to meet the payment schedule of this Agreed Order constitutes the failure by Pat, Inc. to timely and satisfactorily comply with all of the terms of this Agreed Order.
- 7. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director of the TCEQ and Pat, Inc. have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 9. The Executive Director recognizes that Pat, Inc. has implemented the following corrective measures at the Facility in response to this enforcement action:
 - a. Beginning on December 28, 2004, a third-party contractor hired by Pat, Inc. began operations which resulted in waste oil being removed from the underground storage tank (UST), the UST being removed from the ground, soil samples being taken, all required reports being compiled, and contaminated soil being properly disposed of.
 - b. On March 15, 2005, a third-party contractor hired by Pat, Inc. removed two 55-gallon drums from the site.
- 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Pat, Inc. has not complied with one or more of the terms or conditions in this Agreed Order.
- 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

Pat, Inc. dba Action Excavating DOCKET NO. 2004-2082-MLM-E Page 3

12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

Pat, Inc. is alleged to have violated:

- 1. 30 Tex. ADMIN. CODE § 334.49(a)(4) and Tex. WATER CODE § 26.3475(d), by failing to provide corrosion protection to the UST as documented on November 10, 2004.
- 2. 30 Tex. ADMIN. Code § 37.815(a) and (b), by failing to demonstrate acceptable financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum UST's as documented on November 10, 2004.
- 3. 30 Tex. Admin. Code § 334.50(a)(1)(A) and Tex. Water Code § 26.3475(c)(1), by failing to provide a method of release detection which is capable of detecting a release from any portion of the UST system which contains regulated substances including the tanks, piping and other underground ancillary equipment as documented on November 10, 2004.
- 4. 30 TEX. ADMIN. CODE § 334.7(a)(1) and TEX. WATER CODE § 26.346(a), by failing to register with the Commission, on authorized Commission forms, a UST in existence on or after September 1, 1987, as documented on November 10, 2004.
- 5. 30 TEX. ADMIN. CODE § 335.4, by failing to prevent an unauthorized discharge of used oil and other wastes to surface soils and storm water drainage at the Facility as documented on November 10, 2004.
- 6. 30 TEX. ADMIN. CODE § 335.62 and 40 CFR § 262.11, by failing to conduct a hazardous waste determination on the contents of an unlabeled 55-gallon drum that was observed on the west side of the Facility as documented on November 10, 2004.

III. DENIALS

Pat, Inc. generally denies each allegation in Section II ("Allegations").

Pat, Inc. dba Action Excavating DOCKET NO. 2004-2082-MLM-E Page 4

IV. ORDER

1. It is, therefore, ordered by the TCEQ that Pat, Inc. pay an administrative penalty as set forth in Section I, Paragraph 6 above. The imposition of this administrative penalty and Pat, Inc.'s compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from considering or requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Pat, Inc. dba Action Excavating, Docket No. 2004-2082-MLM-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. The provisions of this Agreed Order shall apply to and be binding upon Pat, Inc. Pat, Inc. is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 3. This Agreed Order, issued by the Commission, shall not be admissible against Pat, Inc. in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 4. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
- 5. Under 30 Tex. ADMIN. CODE § 70.10(b) and Tex. Gov't Code § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Order to Pat, Inc., or three days after the date on which the Commission mails notice of the Order to Pat, Inc., whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

Pat, Inc. dba Action Excavating DOCKET NO. 2004-2082-MLM-E Page 5

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	
Apprecion Perlue	9/23/06
For the Executive Director	Date
I, the undersigned, have read and understand the attack authorized to agree to the attached Agreed Order on beha signature, and I do agree to the terms and conditions spe the TCEQ, in accepting payment for the penalty amount, i	alf of the entity, if any, indicated below my ecified therein. I further acknowledge that
 I also understand that my failure to comply with the Orde my failure to timely pay the penalty amount, may result A negative impact on my compliance history; Greater scrutiny of any permit applications subm Referral of this case to the Attorney General' additional penalties, and/or attorney fees, or to a Increased penalties in any future enforcement act Automatic referral to the Attorney General's Office me; and 	in: itted by me; s office for contempt, injunctive relief, collection agency; tions against me;
• TCEQ seeking other relief as authorized by law. In addition, any falsixication of any compliance document	nts may result in criminal prosecution
HODDY LEATHERMAN	$\frac{8 - 1 - 06}{\text{Date}}$
Name (Printed or typed)	Title
Authorized representative of	
Pat, Inc. dba Action Excavating	